



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 2545-00

15 September 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 29 August 1997 for four years at age 19. At that time, you extended your enlistment for an additional period of 24 months in exchange for training in the Divefarer Program and accelerated advancement to pay grade E-4.

The record reflects that on 9 October 1997 you were referred to the recruit evaluation unit for panic attacks and mood swings. You reported that at age 14 you had been placed in a boy's home because your mother could not handle you. You were placed on Ritalin and remained in the home for about 18 months because you liked the facility. You also reported receiving outpatient care for about six month some 18 months earlier in which you were diagnosed with a panic disorder. You claimed that you had about 30 attacks in total and that these attacks occurred when you were in tight places. You stated you experienced a panic attack about two and half weeks ago, and woke up confused with your heart pounding and ears ringing. You claimed four panic attacks while in recruit training. You were diagnosed with a generalized

anxiety disorder. It was noted that your overall performance while in recruit training was fair. Entry level separation was recommended because the diagnosis was cause for rejection for enlistment and was sufficiently severe to impair ability to function effectively in the military environment.

On 14 October 1997 you were notified that separation processing was being initiated by reason of defective enlistment and induction due to erroneous enlistment as evidenced by an anxiety disorder. You were advised of your procedural rights. You declined to consult with legal counsel or submit a statement in your own behalf, and waived the right to have your case reviewed by the general court-martial convening authority. Thereafter, the discharge authority directed an uncharacterized entry level separation by reason of erroneous enlistment. You were so discharged on 20 October 1997.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals separation by reason of erroneous enlistment. The Board noted your contention that you were discharged because of a letter someone had written that was found by the drill commander between your rack and another individuals. You also claim the letter was to someone's wife and talked about a person who was depressed and suicidal, and that you and four bunkmates were sent for psychological tests. Your contentions are neither supported by the evidence of record nor by any evidence submitted in support of your application. The Board concluded that the panic attacks provided sufficient justification to warrant assignment of an RE-4 reenlistment code. You have provided no medical evidence that the Navy's diagnosis was inaccurate or invalid. The Board concluded that the assigned reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director